



AAU WEEKLY WRAP-UP

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CONGRESSIONAL SCHEDULE *NEW*

The House and Senate did not meet today.

Next week the House and Senate will focus on their respective versions of the FY10 budget resolution, with Democratic leaders hoping to approve their respective measures before the two-week spring recess, which begins April 4. Discussions about the shape of a final FY10 budget resolution are expected over the recess, with a final package to be voted on when Congress returns.

The House on Monday also plans to consider legislation to significantly expand national and community service programs (H.R. 1388). Although the House has approved the bill, the measure was modified during Senate consideration on March 26, so the House will need to re-approve the changed legislation. CQToday reports that the goal is to send it to the President Monday evening so he can sign it before he leaves Tuesday on a trip abroad.

BUDGET & APPROPRIATIONS

HOUSE AND SENATE BUDGET COMMITTEES APPROVE FY10 BUDGET RESOLUTIONS *NEW*

The House and Senate budget committees this week approved similar versions of the FY10 budget resolution, which will be considered in their respective chambers next week. Congress Daily reports that the Senate will begin work on its version on Monday, with a final vote expected on Thursday or Friday. The House will take up its resolution on Tuesday.

The budget resolution, which is not signed into law by the President, provides an overall guide for congressional spending and tax decisions, including a top-line number for appropriations.

CQToday reports that while both measures largely follow the President's priorities, they provide less discretionary spending and fewer tax changes than the President requested. The House version provides \$7 billion less in FY10 for discretionary spending than the President's request; the Senate measure provides about \$15 billion less. The greatest difference between them is that the House version includes reconciliation instructions that allow fast-track consideration of the President's health care and student aid initiatives. Reconciliation legislation is not subject to filibuster in the Senate, so it requires only a simple majority vote to pass.

The House Budget [Committee](#) and the Senate Budget [Committee](#) have posted additional information about their budget resolutions on their websites.

The Obama Administration issued an outline of its FY10 budget on February 26, with mainly top-line budget information for agencies of concern to research universities. (See the February 27 AAU Weekly [Wrap-up](#) for additional information.) Although earlier reports had indicated that the Administration would submit its complete budget plan in mid-to-late April, CQToday reports that the Administration's budget might not go forward until late April to early May.

--Two Senators Urge Highest Possible Funding for Pell Grant Program

Earlier this week, Senators Russ Feingold (D-WI) and Susan Collins (R-ME) [wrote](#) to Senate Budget Committee leaders urging them to provide "the highest possible fiscally responsible increase" in the maximum Pell Grant in the FY10 budget resolution.

WHITE HOUSE ISSUES MEMO TO FEDERAL AGENCIES ON ENSURING RESPONSIBLE SPENDING OF RECOVERY ACT FUNDS

The White House on March 20 issued a memorandum to all federal department and agency heads laying out general rules for ensuring that Recovery Act funds "are expended responsibly and in a transparent manner."

Section 3 of the memorandum deals with communications between federal agencies and registered lobbyists regarding particular projects, applications, or applicants for funding under the Recovery Act. The section requires agencies to disclose all contacts with registered lobbyists about Recovery Act funds and to disregard communications from registered lobbyists about such funds unless they are made in writing. The memorandum defines a registered lobbyist as one who is registered under the Lobbying Disclosure Act of 1995.

Additional details about this and other provisions are available in the text of the [memorandum](#).

DEPARTMENT OF ENERGY ANNOUNCES \$1.2 BILLION IN RECOVERY ACT FUNDS FOR SCIENCE

Secretary of Energy Steven Chu on March 23 announced that the Department of Energy (DOE) would provide \$1.2 billion in Recovery Act funds for major construction, laboratory infrastructure, and research sponsored by the DOE Office of Science.

Additional details are available on the DOE Office of Science [website](#).

NIH TESTIFIES ON RECOVERY ACT FUNDING AND NATIONAL CHILDREN'S STUDY COST OVERRUN

Acting NIH Director Raynard Kington testified March 26 before the House Labor-HHS-Education Appropriations Subcommittee on NIH's implementation of the American Reinvestment and Recovery Act and the National Children's Study. (His testimony is available [here](#).)

When asked if spending \$10 billion in Recovery Act funding over two years could cause harm as well as benefits for federally funded biomedical research, Kington said that NIH was applying its experience from the 1998-2003 doubling of its budget to avoid future dislocation. He also acknowledged that if Recovery Act two-year grants generate research advances, more applications could be anticipated in 2011, likely resulting in a drop in success rates.

Kington was asked about jobs created as a result of Recovery Act funding at NIH and estimated that 6-8 jobs are created or sustained per NIH research grant. In response to a request for a precise number of jobs created, he promised a prompt reply.

Kington was also asked about reports that the National Children's Study was likely to double in cost. He replied that there had been mistakes made in planning and estimating the study's cost, but that it was not expected to cost twice as much. The National Children's Study was originally projected to cost \$3.5 billion over the 25 years that it will be conducted.

OTHER CONGRESSIONAL ISSUES

SENATE JUDICIARY COMMITTEE BEGINS MARKUP OF PATENT REFORM BILL *NEW*

The Senate Judiciary Committee began consideration of comprehensive patent reform legislation (S. 515) on March 26, beginning with approval of a package of technical amendments. More substantive issues will be addressed when the markup resumes on Tuesday, March 31.

--Associations Weigh in on Senate Patent Reform Bill

Six associations, including AAU, have developed a [statement](#) on the Patent Reform Act of 2009 (S. 515) which focuses on two principal areas of concern for universities: damages and the post-grant review procedures. The statement was developed by AAU, the American Council on Education, the National Association of State Universities and Land-Grant Colleges, the Association of American Medical Colleges, the Association of University Technology Managers, and the Council on Governmental Relations.

HOUSE PANEL RAPS FDA AND HHS FOR POOR INSTITUTIONAL REVIEW BOARD REGULATION

The House Energy and Commerce Committee's Subcommittee on Oversight and Investigations held a [hearing](#) March 26 on a Government Accountability Office (GAO) "sting" operation that members said exposed serious weaknesses in the regulation of Institutional Review Boards (IRBs).

Neither the investigation nor the hearing focused on IRBs run by research universities. However, subcommittee chairman Bart Stupak (D-MI) and other subcommittee members—including Rep. Diana DeGette (D-CO), who has pressed for new human research subjects protection legislation in recent Congresses—criticized the Food and Drug Administration (FDA) and the Department of Health and Human Services (HHS) and called for additional hearings and legislation.

The GAO operation, which is the subject of a [report](#) issued March 26, created a fake research protocol that was approved by a for-profit Institutional Review Board. The proposal, for a fake surgical adhesive, was approved by Coast IRB of Colorado for research in human subjects. GAO was also able to set up a fake commercial IRB, register it with HHS, place advertising, and accept legitimate research protocols.

HOUSE JUDICIARY COMMITTEE BEGINS REFORM OF FALSE CLAIMS ACT NEXT WEEK

The House Judiciary Committee has scheduled an [April 1 hearing](#) entitled, "Proposals to Fight Fraud and Protect Taxpayers," that is expected to include discussion of legislation from the last Congress intended to modify the False Claims Act.

Although supportive of the government's efforts to fight fraud and recover damages, AAU last year [expressed](#) "strong reservations about the bill's unintended consequences" for research universities and academic medical centers. That bill, the False Claims Act Correction Act of 2007 (H.R. 4854), was marked up by the House Judiciary Committee in July 2008 but saw no further action.

EXECUTIVE BRANCH

WHITE HOUSE ANNOUNCES THREE NOMINEES FOR TOP ENERGY POSTS

The President on March 20 [announced](#) the names of three nominees for top posts at the Department of Energy. Steven E. Koonin, Chief Scientist for BP, has been nominated as Under Secretary for Science at DOE, and David Sandalow, Energy & Environment Scholar at the Brookings Institution, has been nominated as Assistant Secretary for Policy and International Affairs. The President also announced his intention to retain Steve Isakowitz as Chief Financial Officer at DOE.

OTHER

UNIVERSITY AND BUSINESS LEADERS MEET WITH HOUSE SPEAKER PELOSI

AAU President Robert Berdahl, several university presidents, and other industry and higher education association leaders met March 24 with House Speaker Nancy Pelosi (D-CA) and House Science and Technology Committee Chairman, Bart Gordon (D-TN). The university and business leaders, representing AAU, the National Association of State Universities and Land-Grant Colleges, the Task Force on the Future of American Innovation, and the Science Coalition, thanked Speaker Pelosi for her leadership in providing funding for research in the American Recovery and Reinvestment Act (ARRA). Members of the group stressed that those investments were important to promoting job creation and long-term economic growth across the nation.

Speaker Pelosi and Chairman Gordon discussed the important role of science in the nation's economic recovery and said they would like to continue working with the research and business communities to ensure that the commitment to scientific research is sustained.

Representing AAU universities at the meeting were Frances Cordova, president of Purdue University, and Dan Mote, president of the University of Maryland, College Park.

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